

1484 m. 37

Tooke (William) of Thompson, Norfolk

L E T T E R

T O

SIR FLETCHER NORTON, Knt.

S P E A K E R

O F T H E

H O U S E O F C O M M O N S.

L O N D O N :

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L E T T E R, &c.

IT was the complaint of a predecessor of your's, of bullying memory, that —
 "The poor abuses of the times wanted countenance;"—you are determined, that as far as your art and power can extend, (and in your situation, they extend very) far no similar complaint shall be made in our days. Almost every passage of your life would justify me in this assertion; but I am led to it more particularly at present by your conduct in the House of Commons last Monday, in most scandalous violation of the most dangerous trust reposed in the Speaker by that too easy and too inattentive House.

Perhaps, Sir, you may be at a loss to guess what circumstance I allude to; for God only, who knows, (and indeed seems alone to regard them) can tell how many tricks of the same kind you are daily practising. I will therefore inform you; I mean your shameful behaviour to Sir Edward Ashley, and to the whole House of Commons, when he would have presented two petitions to the House. I say, when he would have presented them *to the House*; for you contrived to prevent that, and to have them presented only to *yourself*. Though you need not information, I will mention the circumstances; for though I address this letter to you, it is evident, from the contents, that my *intention* is to expose you, by informing others.

This language, Sir Fletcher, does not guard nor dissemble. I mean to give you every advantage by my words; for I am desirous to know, though at my own peril, at what stage of political destruction this country is arrived; and whether those, who dare be guilty of the most infamous practices, dare yet, by their own voluntary act, invite their public notorious canvass. Montesquieu has somewhere observed, that nations often remain free by the spirit, long after the principles of their constitution are destroyed. That our constitution, and all the remedies it afforded us against oppression, are gone, I know. Now, Sir, I want to see, by the steps you may think proper to take with this libel (for I acknowledge it such, if truth can be so) whether you imagine that the spirit is fled also; and that the time is now come, when government may pull off the mask, and tell us plainly, that they will no longer indulge us with the privilege we have for some time past enjoyed only at their discretion, the mi-

serable privilege of Perillus's tortured, to complain.

But, to the fact.

On the 6th of last month, Mr. Tooke, a gentleman of Norfolk, was informed by a note from Mr. Edward Barwell, one of the Clerks of the House of Commons, that he expected shortly to receive from Mr. De Grey, one of the members for Norfolk, a petition to the House of Commons, for leave to bring in a bill for inclosing, &c. certain common lands in the parish where Mr. Tooke had an estate. Which petition Mr. Barwell promised Mr. Tooke should see before it was presented. This was the first notice of an intention of any application to Parliament.

On Sunday the 23^d, Mr. Tooke received, at his house in Surry, a note from Mr. Barwell, enclosing a copy of the intended petition; in which the Chief Justice likewise joined. This petition was to be presented the very next day.

At this short notice Mr. Tooke came to town on Monday morning early; prepared hastily a counter-petition, and waited on Sir Edward Ashley, his representative, requesting him to deliver it.

Sir Edward, with his usual regard to justice, impartiality and honour, consented to deliver it, in the same manner as he had previously consented to deliver his colleague, Mr. De Grey's petition; that so the House might take them both into consideration together. But not presuming himself sufficiently acquainted with the little forms and ceremonies of the House, he informed the Speaker of the circumstance; and desired to know whether he (Sir Edward) could, with propriety, present two petitions which were directly opposite to each other. Sir Fletcher affected to think it very unusual, improper, and extraordinary. And indeed, it is probable Sir Fletcher did think it extraordinary, that there should still be left in the House, a man so impartial, just, and disinterested, as to present two petitions affecting the property of his constituents, without taking part on either side.

Sir Edward, however, persevered in the line of his duty, and very properly communicated to the relations of Mr. De Grey (who was himself in Norfolk) the contents of Mr. Tooke's counter-petition; that they might not be surprized even by him who they meant to surprize, nor have any pretence

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to reproach Sir Edward with being deficient towards them, even in the minutest punctilio.

When Mr. De Grey's relations saw Mr. Tooke's counter-petition, they were, most probably, shocked themselves, at the glaring light in which the injustice of their own attempt was placed by it: they therefore withdrew their petition; and soon after framed another; and on the 2d of this month, Mr. Tooke was favoured by Mr. Barwell with a copy of the new petition; which was directed to be delivered on Friday the 4th.

Mr. Tooke was therefore again forced, at this short notice, to come to town and prepare a new counter-petition. Accordingly on the Friday, Sir Edward would have presented the two petitions; but the Speaker stopped him, and was then of opinion, that petitions of that particular kind should be presented in a fuller House. Sir Edward acquiesced to the reason; and the following Monday, the 7th, was fixed on by Mr. De Grey for delivering his petition, declaring that he would himself come from Norfolk, and be present at its delivery. Accordingly on Monday last, Sir Edward offered them both together to the House, with that modesty, which, though it does honour, yet gives such men as Sir Fletcher Norton the advantage which he took of it.

"This is very extraordinary," said Sir Fletcher; "Could the gentleman ask you to deliver his counter-petition?" "Did the gentleman ask you to do it?" "Ho, ho! Well, it is very extraordinary." "You must bring them up then." "But bring the first petition first."

Mr. De Grey's petition was then received: and some member crying out, "Hear, hear," and one part of the House beginning to give attention; the Speaker turned round to them, and said aloud, "It is only a common petition for a common inclosure." Upon which wilful falsehood and premeditated trick of the Speaker, the House (as is usual when mere matters of course are going forward, only preparatory to the business of the House) began talking again, and heard no more. The moment Mr. De Grey's petition was read, the Speaker instantly muttered in a low voice, and as hastily as possible, "All you that are for the question, say Aye; all you that are against it, say No; the Ayes have it." "Now bring up the other."

Mr. De Grey's petition being thus smuggled upon the House by the Speaker, and the whole business decided by him, (without one single Member having said Aye or No, and without any one being aware of it, or knowing it) the counter petition was then read over (such is the Speaker's regard to forms and common sense) against the passing of that question which was already passed. And this petition against the doing what was already done, was nevertheless ordered by the Speaker to lie upon the table. Very good sense, and great honesty in your occasional pretended forms, Sir Fletcher!—"You cannot present a counter petition first. It is improper to give the petition and counter peti-

tion together: And it is too late to give the counter petition afterwards".—Indeed! This puts one in mind of the witty advice of Sir F. Bacon concerning the proper age to marry: "A young man not yet; an old man never."

But, Sir Fletcher, you must answer for this conduct to the House, if their spirit is equal to the surprize and indignation of some of the Members who knew the contents of the two petitions, and intended to speak to them; but who, by their surprize and modesty were prevented (when they found too late what was done) from calling the the Speaker to an immediate account for his conduct.

The petition of Mr. De Grey, and his brother the Chief Justice, (whose conduct in a series of tricking and high-handed injustice shall be hereafter fully examined) was thus smuggled through the House, on Monday the 7th. The bill will be read for the first time on Thursday the 10th, for the second time on Monday the 14th, and finally passed on Monday the 21st of this month.

And thus, with the connivance of such a Speaker, may the rights and property of any private gentleman in this kingdom be, in a fortnight, transferred to another by the House of Commons, even without his own knowledge; whilst the lawful, unoffending owner may be on a voyage to the Continent, or even on a journey to Yorkshire, and find on his return his lands and property exchanged and transferred, without having any notice or suspicion of the attempt, till after it has taken place. These are the facts.

And now, Sir Fletcher, I return to you.—Do you think it improper that the Representative of a county, having, according to his duty, promised to present a petition for one person, should likewise present a petition for another; and thus, as far as he can, give both an opportunity of equal justice, by affording his weight and countenance to neither, till the merits shall have been heard, and justice determined him?

What, not if he is totally unacquainted with the merits of either petition?

What, not if the first requires some benefit, in which another man's property is concerned, to be granted him by parliament (who are the guardians of rights, not the dispensers of favours or the deciders of particular causes;) whilst the second petitioner asks no favour, but barely requests that his property may not be taken from him?

What, not if the representative has reason to suspect that the first petition may be unreasonable?

What, not if he even knows that the first request is an injustice?

Since when, Sir Fletcher, has the first applier had this advantage, in your opinion, over all that come after? It is well known that, after having received fees for your venal tongue, when it was openly let out for hire, you did not always faithfully observe this rule.

But you say it is unusual and extraordinary! You know the contrary, and that it is frequently done;



done; almost every session; certainly in the last, and in the present. You know, not to mention others, that the petitions concerning the *Selby* navigation, now depending, were delivered for both sides by the same person.

But a grosser falshood than this was contained in your artful question to Sir Edward,—“Did the gentleman ask you to deliver his counter-petition?” You knew he did; and that Sir Edward not only told you so, but consulted you upon it. How dared you to insult the honest Member and mock the House, whilst you were ensnaring and prejudicing them by such a question? If Sir Edward had not consulted you upon it before, yet he had told you, the very preceding moment, that he was desired so to do. But if he had not said so, was the information necessary? Do Members of that House present petitions in other men’s names without being asked by them? And yet had you the assurance twice to repeat the same *false question* with a sneer. Perhaps, with your usual modesty of chicane, you will answer that a *question* cannot contain a falshood. Let this instance confound such mean subterfuge: Your question conveyed intelligibly to those who heard it, that you knew not the fact of which you asked to be informed. And the real motive of your question was, to cast beforehand a ridicule and prejudice both upon him who made, and him who presented the counter-petition.

But your last declaration was a falshood, whose motive should degrade you from the Chair. You knew the substance of both the petitions, and the uncommon circumstances which attended them. And because you knew they were *not common*, and were fearful that their *uncommonness* should alarm the House; in order to defeat the counter-petitioner of even a hearing, and to prevent the attention of the House, you had the baseness to declare aloud, that “It was only a common petition for a common inclosure.” If so, why did you on Friday, direct Sir Edward to delay it for a *fuller House*?

However, your tricks succeeded. The House took their Speaker’s word; heard not a tittle of what passed; and, as a mere matter of the most common and trifling form, suffered you to pass (by yourself, without their knowing even that the question was put, and without one single *aye* or *no* being given on the occasion) a question concerning private property, without the smallest pretence of public benefit or convenience; except perhaps, that, as the consequence to Mr. De Grey will be near a thousand a year profit, it may save the ministry the expence of a pension; and serve as a precedent to confer similar rewards on the creatures of the Court, at the expence of the honest country gentlemen who oppose them.

Sir, I will venture to say, that a Speaker, who knew the circumstances as you did, would have been a traitor to the trust reposed in him by that House, if he had suffered such an affair, to pass over, without calling for their attention to what was doing. But if, as you did, he should divert that attention, which they were ready and begin-

ning to give; and should, by an explicit, wilful falshood, like your’s, direct them *not to attend it*;—such a Speaker should be punished with more than degradation. Although by so knavish a management he had contrived, contrary to justice, to confer a favour on a creature of administration, the brother of a Chief Justice, and a connection of Lord Boston.

Sir, I am free to acknowledge, that such language as this I hold to you, and in such a disreputable channel, should not, in a policed nation, be suffered even to a private individual, much less to the first Great Officer of the people. But, alas! we are not a policed nation; for the laws have lost their edge towards the guilty, and are no longer the refuge of the innocent. You are not the officer of the people; for tho’ you bear that respected and awful name, yet yourself, and all others know, that you owe your situation to the corrupt influence of that accursed plan of power, which has left us no right but that of lamentation. This right I will freely exercise in this country, until the tongue shall cleave to the roof of my mouth. All sorts of punishment, I know, are at the discretion of your employers; and, according to their fancy and policy, they will, when they please, inflict it. But I shall think myself well rewarded, if I can only awaken from their lethargy, some few honest members of the House of Commons, to watch over the wickedness which you are daily perpetrating under the pretence of form.

And whatever happens to myself, I will say, with the patient Greek of old,

STRIKE—but HEAR.

The following are the genuine copies of the two petitions alluded to: those who read them will be able to form a judgement of the Speaker’s worth:

To the Honourable the Commons of Great Britain in Parliament assembled.

The humble petition of *Thomas De Grey*, Esquire, Lord of the Manor of Totington, in the county of Norfolk, and of several owners and proprietors of lands within the parish of Totington.

Sheweth,

THAT there are, within the said parish of Totington, several common lands, consisting of common fields, half year lands, common pastures, common meadows, and lammas meadows; and also several commons, commonable lands, heaths, or waste grounds belonging to your petitioners, which in their present state are inconveniently situated for the owners, and incapable of any considerable improvement.

That if the lands were divided and allotted to your petitioners, and all persons interested therein, according to their respective rights and interests, the same would be greatly improved.

Your petitioners, therefore, humbly pray this Honourable House, that leave may be given to bring in a bill for dividing and inclosing the said lands

and

and grounds, in such a manner, and under such regulations, as this House shall think proper.

WM. SMITH, for Balls, a minor.

CLEM WACE, } Trustees for Robert
THO. BARTON, } Knopwood a Minor.

JOHN FROAST.

THOMAS DE GREY.

WM. CLOUGH, Vicar.

WM DE GREY.

To the Honourable the Commons of Great Britain in Parliament assembled.

The humble Petition of WILLIAM TOOKE, Esquire, a Proprietor of lands in the parish of Tottington, in the county of Norfolk, in behalf of himself and several other owners and Proprietors of lands within the said parish of Tottington:

SHEWETH,

THAT your Petitioner hath been very recently informed, that a petition would be presented to this Honourable House in the name of Thomas De Grey, Esq; Lord of the Manor of Tottington, in the county of Norfolk, and of several owners and proprietors of lands within the parish of Tottington; setting forth, that if certain common lands, consisting of common fields, half-year lands, common pastures, common meadows, and Lammas meadows, and also several commons, commonable lands, heaths, or waste grounds, within the said parish were divided and allotted to all persons interested therein, *according to their respective rights and interests*, the same would be greatly improved.

That your petitioner, and a great part of the owners and proprietors of lands within the said parish, have not consented to the above application for dividing, inclosing, &c. which they have reason to believe is solely intended for the great gain and emolument of the said Thomas de Grey, Esquire, to the great injury and detriment of your petitioner, and other owners and proprietors of lands within the said parish.

That the said Thomas De Grey, Esquire, hath already made many and great encroachments upon the commons of the said parish, in violation of the lawful rights and estates of your petitioner, and other owners of lands.

That your petitioner apprehends that the said petition for dividing, inclosing, and allotting the said lands, is not only intended to deprive your petitioner and other owners of their legal remedy against the said encroachments on, and violation of their lawful rights and estates; but that the

said encroachments, &c. will be urged as claims to a much larger proportion in the proposed allotments of lands, than the said Thomas De Grey, Esquire, would otherwise be lawfully intitled to.

That, as your petitioner is informed, and verily believes, no previous public notice by advertisement, or otherwise, has been given by the said Thomas De Grey, or any other person, for a public meeting of the proprietors and owners of lands within the said parish of Tottington, to be held for the purpose of considering the subject matter of the said petition of the said Thomas De Grey, Esquire; but that the said application to this Honourable House for the inclosure of the said common lands, &c. of the parish of Tottington is made precipitately, and partially; contrary, as your petitioner apprehends, to the usual method in applications to this Honourable House on similar occasions, the first notice of any design to apply to this Honourable House for an inclosure, having been very lately given to your petitioner by one of the officers of this Honourable House, who was employed to prepare the said petition.

That there can be no reasonable pretence, either of private damage from delay, or of public benefit by acceleration, for a hasty and immediate progress in the bill petitioned for by the said Thomas De Grey, Esquire.

That your petitioner resides at the distance of one hundred miles from the said parish of Tottington.

Your petitioner therefore humbly prays this Honourable House, that sufficient and convenient time may be granted to him and the other owners and proprietors of lands within the said parish of Tottington, to be prepared and ready to make good their objections to the said petition of the said Thomas De Grey, Esquire.

And that the disputed rights of common between the said Thomas De Grey, Esquire, and your petitioner, and other owners of land within the said parish, may be first duly settled and determined by a Jury, according to the laws of the land, before leave be given by this Honourable House to bring in a bill for the inclosing, dividing, and allotting of lands, *according to those respective rights*. Your petitioner humbly and faithfully assuring this Honourable House, that there shall be no delay on his part, in bringing the said encroachments and usurpations of the said Thomas De Grey, Esquire, to a speedy, final, legal issue.

WILLIAM TOOKE.

F I N I S.

